IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.2204 OF 2003
IN
FIRST APPEAL ST.NO.17088 OF 2003

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

CORAM: A.S.OKA, J.
DATED: JUNE 7, 2006.

P.C.:

1. Rule. Advocates for the Respondents waive service. Taken up for hearing forthwith.

2. The Applicant-Insurance Company has preferred this Appeal for challenging the impugned Judgment and Award passed under Section 166 of the Motor Vehicles Act, 1988. The Applicant-Insurance Company is the insurer of the vehicle involved in the Accident. The case of the Applicant-Insurance Company in the Appeal is that there was a breach committed by the insured of the terms and conditions of the policy of the insurance and therefore, the Applicant-Insurance Company is not

liable to satisfy the Award which is made against the insured.

3. Even if the Applicant succeeds in the Appeal, The Award against the insured will remain. In the event of success of the Appellant in the Appeal, the Applicant-Insurance Company can always recover the amount from the insured by taking out appropriate proceedings. Hence, no case is made out for grant of stay. Hence, Application is rejected.

4. It is made clear that the payment of amount of compensation by the Applicant and withdrawal thereof by the original Claimant will be subject to final outcome of the First Appeal.

Judge.